

NO: 11-16033

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

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BRICE YINGLING, DBA Alamo Autosports; ANDY SCOTT,

Plaintiffs-Appellees

vs.

EBAY, INC.  
Defendant-Appellee,

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JOSEPH BALLA,

Objector-Appellant

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From the United States District Court  
for the Northern District of California  
No. 5:09-cv-01733-JW

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Opposed Motion of Joseph Balla for An Extension of Time to File Opening  
Brief; Request for Permission to File Late Request; Memorandum of Points  
and Authorities; Declaration of J. Darrell Palmer

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### **Memorandum of Points and Authorities**

For good cause shown, the Court may grant an extension of time to file a Opening Brief. (Fed. R. App. P. 26(b), Circuit R. 31-2.2).

Petitioner Joseph Balla requests a thirty-day extension to file his opening brief and also requests permission to file a late request. All parties have been informed of this request. Plaintiffs/Appellees and defendants oppose this request. The opening brief is due on Wednesday, July 13, 2011. If the extension is granted the opening brief will be due on August 12, 2011.

As demonstrated by the attached declaration of Darrell Palmer, good cause exists for granting the extension.

Dated: July 12, 2011

Law Offices of Darrell Palmer

/s/ J. Darrell Palmer  
J. Darrell Palmer  
Attorney for Appellant Joseph Balla

**DECLARATION BY J. DARRELL PALMER**

I, J. Darrell Palmer, declare that:

1. I am attorney licensed to practice before all the Courts of the State of California, the United States District Court for the Central District, and the U. S. Court of Appeals for the Ninth Circuit. I have personal knowledge of the facts as set forth herein and if called upon to testify, could competently do so.

2. This Declaration is made in support of the movant's request for an order extending the time to August 12, 2011, to file his opening brief.

3. I informed all attorneys in the case about my intention to request the extension. Plaintiffs/Appellees and defendants have opposed the request.

4. This extension request is necessitated due to my unavailability as a result of preparing for and attending trial during the latter part of June and early part of July and because of press of other business including the preparation of two other appellate briefs due in the next thirty (30) days.

5. In addition, settlement negotiations with plaintiffs' counsel have been ongoing.

6. This moving party will retain the services of a professional appellate services company to package, review, serve and file the brief once it is complete, in order to expedite the process.

7. The court reporter is not in default with regard to any designated transcripts.

I declare under penalty of perjury, under the laws of the State of California and the United States of America, that the foregoing is true and correct. Executed this 12th day of July 2011, at Solana Beach, California.

/s/ J. Darrell Palmer

J. Darrell Palmer

#### CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Ninth Circuit by using the appellate CM/ECF system on July 12, 2011.

I certify that all parties in this case are registered CM/ECF users and that service will be accomplished by the appellate CM/ECF system.

/s/ J. Darrell Palmer

J. Darrell Palmer